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Agenda item 160

Convention on jurisdictional immunities of States and their property

Report of the Sixth Committee

Rapporteur: Mr. Mahmoud M. **Al-Naman** (Saudi Arabia)

I. Introduction

1. The item entitled "Convention on jurisdictional immunities of States and their property" was included in the provisional agenda of the fifty-sixth session of the General Assembly pursuant to Assembly resolution 55/150 of 12 December 2000.

2. At its 3rd plenary meeting, on 19 September 2001, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 14th meeting, on 1 November 2001. No substantive debate was held on this item. The Chairman recalled that the Committee had held a substantive discussion on the item during the previous session, in 2000, and that there would be further consideration of the substantive issues during the session of the Ad Hoc Committee established pursuant to resolution 55/150. The task before the Sixth Committee at the current session was to decide on the dates of the session of the Ad Hoc Committee. Accordingly, the Bureau had prepared a draft resolution (A/C.6/56/L.7) establishing the dates of the session of the Ad Hoc Committee as 4 to 15 February 2002.

II. Consideration of draft resolution A/C.6/56/L.7

4. At the 14th meeting, on 1 November, the Secretary of the Committee made a statement on the conference servicing implications of draft resolution A/C.6/56/L.7 (see A/C.6/56/SR.14).

5. At the same meeting, the Committee adopted draft resolution A/C.6/56/L.7 without a vote (see para. 7).

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6. The representative of the United Kingdom of Great Britain and Northern Ireland made a statement in explanation of position after the adoption of the draft resolution (see A/C.6/56/SR.14).

III. Recommendation of the Sixth Committee

7. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Convention on jurisdictional immunities of States and their property

The General Assembly,

Recalling its resolution 55/150 of 12 December 2000, wherein it was decided to establish an Ad Hoc Committee on Jurisdictional Immunities of States and Their Property, open also to participation by States members of the specialized agencies, to further the work done, consolidate areas of agreement and resolve outstanding issues with a view to elaborating a generally acceptable instrument based on the draft articles on jurisdictional immunities of States and their property adopted by the International Law Commission at its forty-third session,[1] and also on the discussions of the open-ended working group of the Sixth Committee and their results,[2]

1. *Decides* that the Ad Hoc Committee on Jurisdictional Immunities of States and Their Property shall meet from 4 to 15 February 2002;

2. *Requests* the Secretary-General to make available to the Ad Hoc Committee the comments submitted by States in accordance with General Assembly resolution 49/61 of 9 December 1994 and on the reports of the open-ended working group of the Sixth Committee established under Assembly resolutions 53/98 of 8 December 1998 and 54/101 of 9 December 1999;[2]

3. *Requests* the Ad Hoc Committee to report to the General Assembly at its fifty-seventh session on the outcome of its work;

4. *Decides* to include in the provisional agenda of its fifty-seventh session the item entitled "Convention on jurisdictional immunities of States and their property".

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[1] *Yearbook of the International Law Commission, 1991*, vol. II, Part Two (United Nations publication, Sales No. E.93.V.9 (Part 2)), document A/46/10, chap. II, para. 28.

[2] See A/C.6/54/L.12 and A/C.6/55/L.12; see also *Official Records of the General Assembly, Fifty-fourth Session, Sixth Committee, 30th meeting* (A/C.6/54/SR.30), and corrigendum; and ibid., *Fifty-fifth Session, Sixth Committee, 30th and 31st meetings* (A/C.6/55/SR.30 and 31), and corrigendum.